

KATHRYN R MCKINLEY, WSBA No. 25105
PAINE HAMBLLEN LLP
717 West Sprague Avenue Suite 1200
Spokane WA 99201
T (509) 455-6000
F (509) 838-0007
kathryn.mckinley@painehamblen.com

Attorneys for Public Utility District No. 1 of Douglas County, Washington

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:	}	No. 18-03197-FPC11
GIGA WATT INC, a Washington corporation,		CHAPTER 11
		LIMITED OBJECTION OF
Debtor.		DOUGLAS COUNTY PUD TO
		TRUSTEE'S MOTION RE SALE
	}	OF TNT FACILITY AND
		ASSUMPTION AND
		ASSIGNMENT OF POWER
	}	CONTRACT

Public Utility District No. 1 of Douglas County, Washington (the "District"), through its counsel, Kathryn R. McKinley and Paine Hamblen LLP, submits this limited objection to the Chapter 11 Trustee's Motion for an order approving, among other things, the assumption and assignment of the Interconnection and Services Contract between the Debtor and the District for the TNT facility (the

**LIMITED OBJECTION OF DOUGLAS COUNTY PUD TO
TRUSTEE'S MOTION RE SALE OF TNT FACILITY AND
ASSUMPTION AND ASSIGNMENT OF POWER CONTRACT -1**

PAINE HAMBLLEN LLP
717 WEST SPRAGUE AVENUE, SUITE 1200
SPOKANE, WA 99201
PHONE (509) 455-6000
FAX (509) 838-0007

1 “Power Contract”). [ECF No. 573]. This Limited Objection is supported by the
2 Declaration of Kathryn R. McKinley filed herewith.

3
4 The District has no objection to the Trustee’s assumption and assignment of
5 the Power Contract in general. However, the assignment must comport with the
6 District’s policies for new customers. Specifically, the District has requested that
7 the assignment be subject to the following requirements:
8

- 9 1. The entity that will be the lessee at TNT and the PUD’s customer,
10 must submit a Service Order in the form of the exemplar attached.
- 11 2. Energy requirements forecast as detailed in Section 16 of the
12 Agreement.
- 13 3. Proof of lease for the facility to confirm that the lease matches the
14 Point of Delivery locations listed on Exhibit B of the existing
15 Interconnection and Services Agreement for the TNT location.
- 16 4. Deposit in the amount of 2 months projected usage as determined by
17 the PUD based on historical usage and the energy requirements
18 forecast submitted by the applicant.

19 (Declaration of Kathryn R. McKinley at ¶ 2 and Ex. A.)

20 The District has conferred with the Buyer regarding these requirements and
21 understands that the Buyer will comply with the requirements. (McKinley Decl. at
22 ¶ 3.) As such, the District respectfully requests that the Order entered by the Court
23 specify that the assignment of the Power Contract is subject to the requirements set
24 forth above.
25
26

27 **LIMITED OBJECTION OF DOUGLAS COUNTY PUD TO**
28 **TRUSTEE’S MOTION RE SALE OF TNT FACILITY AND**
ASSUMPTION AND ASSIGNMENT OF POWER CONTRACT -2

PAINE HAMBLÉN LLP
717 WEST SPRAGUE AVENUE, SUITE 1200
SPOKANE, WA 99201
PHONE (509) 455-6000
FAX (509) 838-0007

1 DATED this 6th day of May, 2020.

2 PAINE HAMBLER LLP

3
4 /s/ Kathryn R. McKinley

5 Kathryn R McKinley, WSBA #25105
6 Attorneys for Public Utility District No. 1
of Douglas County, Washington

7 I:\Spodocs\42020\00001\PLEAD\01905101.DOCX

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 LIMITED OBJECTION OF DOUGLAS COUNTY PUD TO
28 TRUSTEE'S MOTION RE SALE OF TNT FACILITY AND
ASSUMPTION AND ASSIGNMENT OF POWER CONTRACT -3

PAINE HAMBLER LLP
717 WEST SPRAGUE AVENUE, SUITE 1200
SPOKANE, WA 99201
PHONE (509) 455-6000
FAX (509) 838-0007